

AN ACT

relating to the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility; reducing a surcharge; eliminating a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) Section 401.207(g), Health and Safety Code, is amended to read as follows:

(g) The commission shall assess a surcharge for the disposal of nonparty compact waste at the compact waste disposal facility. The surcharge is 10 [~~20~~] percent of the total contracted rate under Section 401.2456 and must be assessed in addition to the total contracted rate under that section.

(b) Effective September 1, 2019, Section 401.207(g), Health and Safety Code, is amended to read as follows:

(g) The commission shall assess a surcharge for the disposal of nonparty compact waste at the compact waste disposal facility. The surcharge is 20 percent of the total contracted rate under Section 401.2456 and must be assessed in addition to the total contracted rate under that section.

SECTION 2. Section 401.208, Health and Safety Code, is amended by amending Subsections (a), (c), and (e) and adding Subsection (a-1) to read as follows:

(a) At least once every four years, the [~~The~~] commission shall conduct a study on the available volume and curie capacity of the compact waste disposal facility for the disposal of party state

1 compact waste and nonparty compact waste.

2 (a-1) In order to conduct the study under this section, the  
3 commission may require a generator of low-level radioactive waste  
4 to provide annually:

5 (1) information reasonably necessary to evaluate the  
6 adequacy of the capacity of the compact waste disposal facility as  
7 accurately as possible, including the amount in volume and curies  
8 that the generator intends to export or dispose of at a facility  
9 other than the compact waste disposal facility;

10 (2) the amount in volume and curies of low-level  
11 radioactive waste that was stored on-site at the generator's  
12 facility in the preceding year; and

13 (3) the length of time waste was stored at the  
14 generator's facility.

15 (c) The [~~Not later than December 1, 2016, the~~] commission  
16 shall submit a final report of the results of the study to the  
17 standing committees of the senate and the house of representatives  
18 with jurisdiction over the disposal of low-level radioactive waste.

19 (e) The commission may conduct a study described by  
20 Subsection (a) at any time [~~after December 1, 2012,~~] if the  
21 commission determines that a study is necessary.

22 SECTION 3. (a) Section 401.2445, Health and Safety Code, is  
23 repealed.

24 (b) Effective September 1, 2019, Subchapter F, Chapter 401,  
25 Health and Safety Code, is amended by adding Section 401.2445 to  
26 read as follows:

27 Sec. 401.2445. STATE FEE. The compact waste disposal

1 facility license holder each quarter shall transfer to the state  
2 general revenue fund five percent of the gross receipts from:

3 (1) compact waste received at the compact waste  
4 disposal facility; and

5 (2) any federal facility waste received at a federal  
6 facility waste disposal facility licensed under Section 401.216.

7 SECTION 4. Chapter 403, Health and Safety Code, is amended  
8 by adding Section 403.0056 to read as follows:

9 Sec. 403.0056. ASSESSMENT OF COMPACT FACILITY BY  
10 LEGISLATIVE OVERSIGHT COMMITTEE. (a) In this section, "compact  
11 facility" has the meaning assigned by the Texas Low-Level  
12 Radioactive Waste Disposal Compact.

13 (b) A legislative oversight committee is created for the  
14 purpose of assessing the compact facility.

15 (c) The committee is composed of the following members:

16 (1) the chair of the House Committee on Environmental  
17 Regulation;

18 (2) a member of the house of representatives who  
19 represents the county in which the compact facility is located;

20 (3) a member of the house of representatives appointed  
21 by the speaker of the house of representatives;

22 (4) the chair of the Senate Committee on Natural  
23 Resources and Economic Development;

24 (5) a member of the senate who represents the county in  
25 which the compact facility is located;

26 (6) a member of the senate appointed by the lieutenant  
27 governor;

1           (7) the chair of the commission; and

2           (8) a person appointed by each nonhost party state as  
3 provided by the laws of that state.

4           (d) The chair of the House Committee on Environmental  
5 Regulation and the chair of the Senate Committee on Natural  
6 Resources and Economic Development shall serve as co-chairs.

7           (e) An appointed member of the committee serves at the  
8 pleasure of the appointing official.

9           (f) The committee shall consider and make recommendations  
10 regarding:

11           (1) the annual fixed costs incurred by the operator of  
12 the compact facility;

13           (2) the party state compact waste disposal fees  
14 established in rule by the Texas Commission on Environmental  
15 Quality in accordance with Section [401.245](#);

16           (3) the contract review process as carried out by the  
17 Texas Commission on Environmental Quality;

18           (4) the relationship between the state, party state  
19 generators, and operator as it relates to the operation of the  
20 compact facility;

21           (5) the contingency plan required under the Texas  
22 Low-Level Radioactive Waste Disposal Compact;

23           (6) the need for and effects of fees and surcharges  
24 assessed for disposal of waste in the compact facility, including  
25 the fees and surcharges assessed under the following sections:

26                   (A) Section [401.052](#)(b)(5);

27                   (B) Section [401.207](#)(g);

1                   (C) Section 401.245; and

2                   (D) Section 401.246(a)(6);

3                   (7) the cost of a state-run compact facility and the  
4 effect a state-run facility would have on rates and generators in  
5 compact states; and

6                   (8) any other matters the committee determines are  
7 relevant to the compact facility and oversight of the compact  
8 facility.

9                   (g) The committee may request reports and other information  
10 from the commission and the Texas Commission on Environmental  
11 Quality as necessary to carry out this section.

12                   (h) Not later than December 1, 2018, the committee shall  
13 submit a final report of the results of the assessment to the  
14 committees of the senate and the house of representatives with  
15 jurisdiction over the disposal of low-level radioactive waste.

16                   (i) The committee is abolished and this section expires  
17 December 31, 2018.

18                   SECTION 5. The Texas Commission on Environmental Quality  
19 shall submit the first report required under Section 401.208,  
20 Health and Safety Code, as amended by this Act, not later than  
21 December 1, 2020.

22                   SECTION 6. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2017.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2662 was passed by the House on May 6, 2017, by the following vote: Yeas 127, Nays 7, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2662 on May 24, 2017, by the following vote: Yeas 137, Nays 5, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2662 was passed by the Senate, with amendments, on May 23, 2017, by the following vote: Yeas 28, Nays 3.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor